

00-0-1465

(Do Not Write Above This Line)

ORDINANCE BY: COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON July 27, 2000

91 Bates Avenue, SE 05
476 Elm Street, NW 03
1049 Fortress Avenue, SW 04
1044 Harwell Street, NW 03
976 Oakland Drive, SW 04
820 Pinehurst Terrace, SW 04
759 Woodson Street, SE 02

ADOPTED BY
OCT 16 2000

COUNCIL

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 10/2/00

Referred To:
Community Development / Human Resources

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
 Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
OCT 16 2000

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
OCT 16 2000

Randolph Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 24 2000



**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

00- 8 -1465

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO DEMOLISH AND CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON July 27, 2000.

91 Bates Avenue, SE	05
476 Elm Street, NW	03
1049 Fortress Avenue, SW	04
1044 Harwell Street, NW	03
976 Oakland Drive, SW	04
820 Pinehurst Terrace, SW	04
759 Woodson Street, SE	02

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

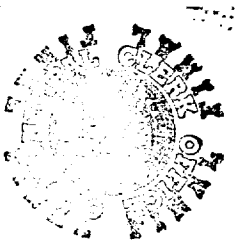
WHEREAS, on July 27, 2000, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, July 27, 2000, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.



NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to forthwith demolish and clean the following real property, upon which structure(s) are located:

<u>Proper Street Address</u>	<u>City Council District</u>
91 Bates Avenue, SE	05
476 Elm Street, NW	03
1049 Fortress Avenue, SW	04
1044 Harwell Street, NW	03
976 Oakland Drive, SW	04
820 Pinehurst Terrace, SW	04
759 Woodson Street, SE	02

SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Demolish the structures and clean the premises.
- (3) Plant grass in conformance with the Order of the In Rem Review Board
- (4) File a lien against the real property on which the structures(s) are attached
In an amount necessary to recover the costs incurred by the City of Atlanta

SECTION 3: That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

OCT 16, 2000
OCT 24, 2000



THE SUPERIOR COURT FOR THE COUNTY OF
DEKALB, STATE OF GEORGIA

CITY OF ATLANTA BUREAU
OF NEIGHBORHOOD CONSERVATION

Plaintiff

VS.

NOTICE FOR RECORD
FOR LIS PENDENS

Rosa Lee Martin and Thelma Mae Grier, Executor U/W of Austin Lewis Benton;
Thelma Mae Grier, Individually
Melvin Bailey

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against the above defendant on

Friday, July 7, 2000

in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract and parcel of land lying and being in Land Lot
205 of the 15th District of DeKalb County and being more
particularly described as follows:

BEGINNING at a point on the West side of Bates Avenue 40 feet
North from the Northwest corner of Bates Avenue and the Georgia
Railway right of way; running thence West 150 feet; running
thence South 40 feet, more or less, to the Georgia Railway
right of way; running thence East along the Georgia Railway
right of way 150 feet, more or less, to Bates Avenue; running
thence North along the West side of Bates Avenue 40 feet to the
point of beginning; being improved property known as No. 91
Bates Avenue, S. E. according to the present system of
numbering houses in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Dekalb County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

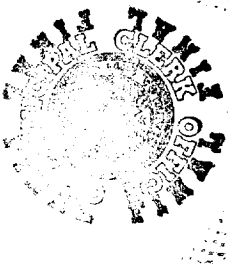
Dated: Friday, July 7, 2000

BY:

Rita L. Hamilton
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Carter
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Ruth Phinazee

on 7-7-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

all that tract or parcel of land, lying and being in the City of Atlanta in Land Lot 111 of the 14th District of Fulton County, Georgia, and known as Lot #17 in Block K, as per plat of Frierson and Scott, dated July 7, 1885, as recorded in Deed Book XX page 793, Fulton County Records, and more particularly described as follows:

BEGINNING at a point on the West side of Elm Street eighty-eight and five tenths (88.5) feet North of the Northwest corner of Elm and Jett Streets, and running thence North along the West side of Elm Street twenty-nine and five tenths (29.5) feet; thence running West one hundred (100) feet to an alley; thence running South along the East side of said Alley, twenty-nine and five tenths (29.5) feet; thence running East one hundred (100) feet to the West side of Elm Street at the point of beginning; being improved property, having a house thereon known as No. 476 Elm Street, N.W. in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

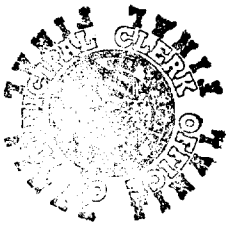
Dated: July 7, 2000

BY:

Dale S. Haggard
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Cartwright
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Jasper Pope

on 7-7-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

all that tract or parcel of land lying and being in
the City of Atlanta, in Land Lot 74 of the 14th District of Fulton County,
Georgia, and more particularly described as follows:

BEGINNING at a point on the west side of Fortress Street sixty (60) feet
south of the southwest corner of Fortress Street and Amy Street; thence south
along the west side of Fortress Street thirty (30) feet to Lot 19 of the plat
hereinafter referred to; thence West along the north line of Lot 19 ninety
(90) feet to Lot 23; thence north along the east line of Lot 23 thirty (30)
feet to Lot 21; thence east along the south line of Lot 21 ninety (90) feet to
the point of beginning; being Lot 20 of the J.T. Wallace Property as per plat
recorded in Plat Book 10, page 113, Fulton County Records and being improved
property known as 1049 (formerly 103) Fortress Street, S.W., according to the
present numbering of houses in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings,
dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This
notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as
provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such
real property.

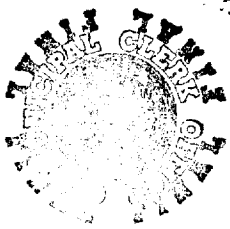
Dated: July 7, 2000

BY:

Dale S. Haygood
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Castings
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Miss Johnnie Marie Parker

on 7-7-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land, lying and being in:

the City of Atlanta, in Land Lot 115, of the 14th District of Fulton County, Georgia, known as Lot 6, of the A. C. Williams property, shown on plat recorded in Plat Book 15, Page 36, Fulton County Records, and more particularly described as follows:

BEGINNING at a point on the South side of Harwell Street, one hundred sixty (160) feet West of the Southwest corner of Harwell and Ollie Streets, and running thence West, along the South side of Harwell Street, forty (40) feet; thence South, one hundred twenty (120) feet; thence East, forty (40) feet; thence North, one hundred twenty (120) feet to the beginning point; same being improved property known as No. 1044 Harwell Street, S.W.

This deed is made subject to a loan deed in favor of the First Federal Savings & Loan Association, dated August 1, 1935, and recorded in Book 1556, Page 187.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: July 7, 2000

BY:

[Signature]
Bureau of Neighborhood Conservation, Official Agent

BY:

[Signature]
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Anna Mary McCall

on 7-7-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

all that tract or
parcel of land lying and being in Land Lot 119 of the 14th District
of Fulton County, Georgia, and being more particularly described as
follows:

BEGINNING at a point on the easterly side of Oakland Drive ninety-two (92) feet southerly from the intersection of the easterly side of Oakland Drive with the southerly side of Merrill Avenue; running thence southerly along the easterly side of Oakland Drive a distance of sixty (60) feet to a point; running thence easterly, and forming an interior angle of 90 degrees 42 minutes with the preceding course, a distance of one hundred fifty-six and eighty-four one hundredths (156.84) feet to a point; running thence northerly a distance of forty-five and four-tenths (45.4) feet to a point; running thence westerly a distance of one hundred fifty-seven and seven-tenths (157.7) feet to the easterly side of Oakland Drive and the point of beginning, thus forming an interior angle of 84 degrees therewith; and being known as No. 976 Oakland Drive, Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: July 7, 2000

BY:

Dale S. Huggard
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Castings
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Ronald Hampton, Jr.
Internal Revenue Service

on 7-7-00 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

ALL THAT TRACT or parcel of land, lying and being in Land Lot 139 of the 14th District of Fulton County, Georgia, being Lot 14, GAVAN SUBDIVISION, and being more particularly described as follows:

BEGINNING at a point on the easterly side of Pinehurst Terrace (formerly Stewart Street) 150 feet southerly from the corner formed by the intersection of the easterly side of Pinehurst Terrace with the southerly side of Beecher Street; running thence southerly along the easterly side of Pinehurst Terrace 50 feet; running thence easterly along the northerly line of Lot 15, 150 feet to Lot 19, said subdivision; running thence northerly along the westerly line of Lot 19, 50 feet to a point; running thence westerly partially along the southerly line of Lot 11, said subdivision and westerly along the southerly lines of Lot 12, said subdivision and said Lot 13, 150 feet to the easterly side of Pinehurst Terrace and the point of beginning; being improved property having a house thereon known as No. 820 Pinehurst Terrace, Fulton County, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: July 7, 2000

BY:

Dele L. Hargood
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Castings
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Theodore Kelly
Beneficial Mortgage company of Georgia

on **7-7-00** in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

ALL that certain property situated and being in Land Lot 54 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found on the westerly side of Woodson Street 154.0 feet as measured along the westerly side of Woodson Street from the corner formed by the intersection of the westerly side of Woodson Street and the southerly side of Love Street; thence southerly along the westerly side of Woodson Street 44.5 feet to an iron pin found; thence westerly 100.0 feet to an "x" mark on the roof of a one story brick garage; thence northerly 44.5 feet to an iron pin; thence easterly 100.0 feet to the iron pin found on the westerly side of Woodson Street and the point of beginning; Being improved property known as 759 WOODSON STREET, SE, according to the present system of numbering houses in the City of Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: July 7, 2000

BY:

Dale S. Heygood
Bureau of Neighborhood Conservation, Official Agent

BY:

Bill Cartwright
Assistant Real Estate City Attorney

RCS# 2301
10/16/00
2:28 PM

Atlanta City Council

Regular Session

MUTIPLE

00-O-1462; 00-O-1463; 00-O-1465

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

MUTIPLE